

**Introduced by Senator Emmerson**

February 14, 2011

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An act to amend Section 21707 of the Business and Professions Code, relating to business.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 279, as introduced, Emmerson. Business: self-service storage facilities.

Existing law, the California Self-Service Storage Facility Act, specifies remedies and procedures for self-service storage facility owners when occupants are delinquent in paying rent or other charges. Existing law requires that a lien sale of property at a self-service storage facility be advertised in a newspaper of general circulation in the county where the sale is to be held, or posted in conspicuous places in the neighborhood of the proposed sale, as specified.

This bill would instead require that these lien sales be advertised in a newspaper of general circulation in the judicial district where the sale is to be held, or posted in conspicuous places in the neighborhood of the proposed sale, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 21707 of the Business and Professions
- 2 Code is amended to read:
- 3 21707. After the expiration of the time given in the notice of
- 4 lien sale, pursuant to subdivision (b) of Section 21705, or following
- 5 the failure of a claimant to pay rent or obtain a court order pursuant

1 to Section 21709, an advertisement of the sale shall be published  
2 once a week for two weeks consecutively in a newspaper of general  
3 circulation published in the ~~county~~ *judicial district* where the sale  
4 is to be held. The advertisement shall include a general description  
5 of the goods, the name of the person on whose account they are  
6 being stored, and the name and location of the storage facility. If  
7 there is no newspaper of general circulation published in the ~~county~~  
8 *judicial district* where the sale is to be held, the advertisement shall  
9 be posted at least 10 days before the sale in not less than six  
10 conspicuous places in the neighborhood of the proposed sale. The  
11 sale shall be conducted in a commercially reasonable manner.  
12 After deducting the amount of the lien and costs of sale, the owner  
13 shall retain any excess proceeds of the sale on the occupant's  
14 behalf. The occupant, or any other person having a court order or  
15 other judicial process against the property, may claim the excess  
16 proceeds, or a portion thereof sufficient to satisfy the particular  
17 claim, at any time within one year of the date of sale. Thereafter,  
18 the owner shall pay any remaining excess proceeds to the treasury  
19 of the county in which the sale was held.